

REMARKS

Claim 1 is amended and claim 21 is added. Claims 1-3 and 5-21 are pending and under consideration.

The rejections under 35 U.S.C. § 103 are respectfully traversed. Independent claim 1, for example, recites first warps and second warps alternately arranged to be adjacent to each other, the first and second warps being arranged in vertically separated layers.

Hall McKenzie, Konucki and Yan are not relied upon as teaching the claimed warps, instead, the Examiner relies upon DeRoon. However, this reference does not teach the first and second warps that are arranged adjacent to each other in vertically separated layers.

For the Examiner's convenience, and not to limit the claims, the Examiner's attention is drawn to present FIG. 2A, which illustrates the claimed vertically separate layers. First warps R1 form a first respective layer and second warps R2 form a second respective layer, which is below the first respective layer, without any vertical intermingling between the layers.

Referring to Exhibit 'A' attached, warp 1 of DeRoon passes above weft 1. However, adjacent warp 2 also passes above weft 1. Warps 1 and 2 also both pass above weft 6. Thus, warps 1 and 2 are not vertically separated. Furthermore, warp 3 and adjacent warp 2 both pass above weft 2. Warp 3 and adjacent warp 4 both pass below wefts 3 and 4. These are just examples of the lack of vertical separation between the adjacent warps of DeRoon.

According to DeRoon, this arrangement of warps/wefts achieves improved suppleness or softness. DeRoon, col. 2, ln. 47-49. However, the invention of claim 1 achieves improved elasticity as compared to DeRoon. DeRoon is similar in structure to the related art illustrated in present FIG. 3B, which is only stretchable to a width W3. In contrast, present FIG. 3A illustrates the present invention may be stretched to width W2, which is greater than W3.

New claim 21 is added and recites all of the first warps are below the wefts and all of the second warps are above the wefts. Again, the Examiner's attention is drawn to present FIG. 2A, which illustrates the warps R1 below the wefts F and the warps R2 above the wefts F.

In contrast, the warps 12 of DeRoon pass above and under wefts 16, 18. For example, warp 1 passes over weft 1 and below weft 2. This is only one example.

Finally, it is noted that the term "unstretched state" has been further clarified, as being a

state "in which the headgear is not deformed by a user's head." Thus, it is respectfully requested that the Examiner no longer rely upon the previous interpretation of the term, wherein the wefts are not stretched to their breaking point. According to the present definition of "unstretched state", DeRoon does not teach the claimed "the first warps overlapping the second warps in the unstretched state so that centers of the first warps are above spaces between adjacent ones of the second warps and sides of the first warps are above sides of adjacent ones of the second warps, and the first and the second warps being side-by-side in a stretched state of the head receiving part in which the headgear is deformed by the user's head.

These features are illustrated, for example, in present FIG. 2A, which illustrates the centers of the warps R1 above the centers of the warps R2 in the unstretched state. However, FIG. 2 of DeRoon does not disclose a similar structure, but instead, the warps 12 are completely spaced from adjacent warps 12.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

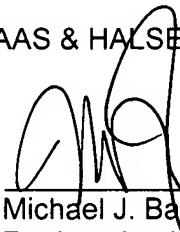
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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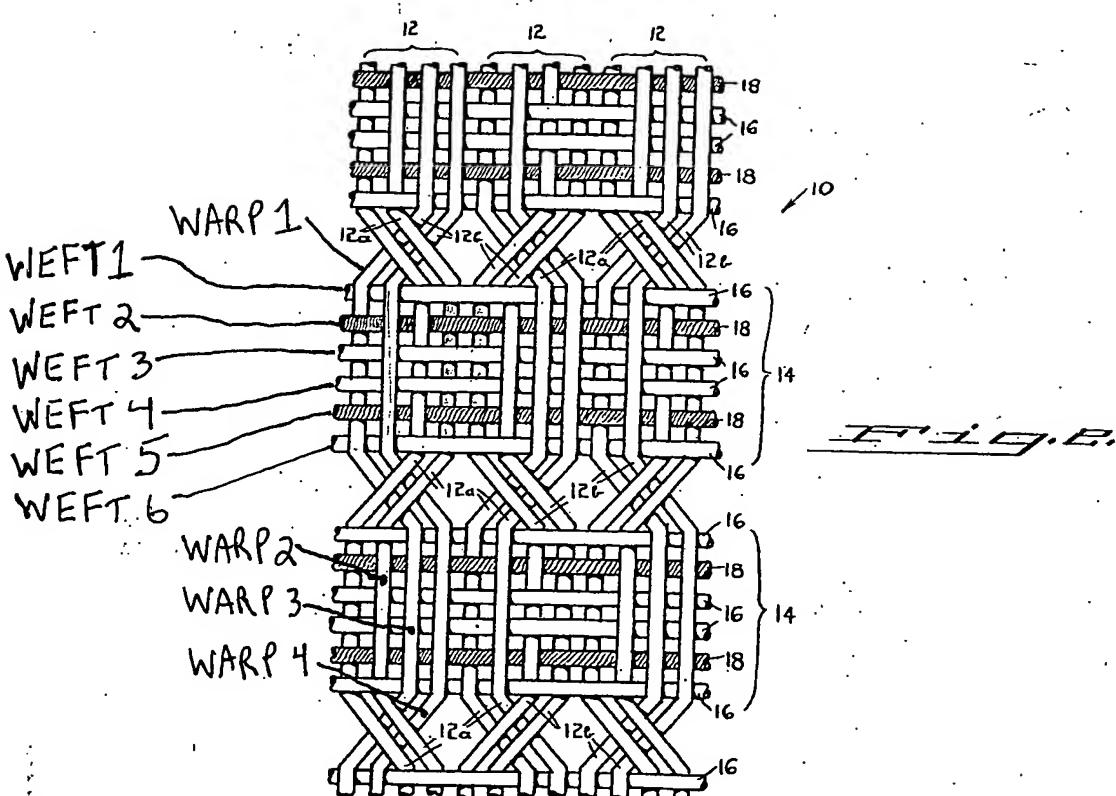
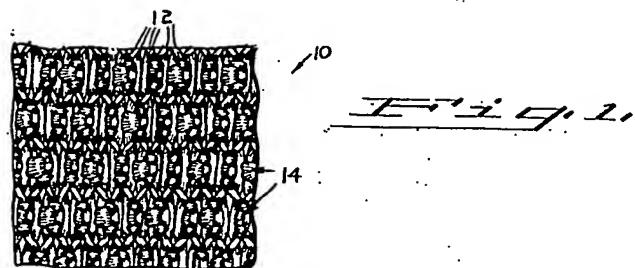
L. DE ROON

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WOVEN ELASTIC FABRIC

Filed Oct. 27, 1938

2 Sheets-Sheet 1



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EXHIBIT A